

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

In re:)	Case No. 10-32081
)	
Richard Anderson Shields,)	
Crystal Capps Shields)	Chapter 13
)	
Debtor(s))	

SECOND AMENDMENT TO:

**CHAPTER 13 PLAN, INCLUDING NOTICE OF MOTION(S) FOR VALUATION;
MOTION(S) TO AVOID CERTAIN LIENS; MOTION(S) FOR ASSUMPTION AND
REJECTION OF EXECUTORY CONTRACTS AND UNEXPIRED LEASES; AND NOTICE OF
OPPORTUNITY FOR HEARING ON CONFIRMATION OF THE PLAN INCLUDING ALL MATTERS
AS SET FORTH IN THE PLAN
FOR CASES FILED ON OR AFTER JULY 2, 2007**

Check the motions applicable to this plan amendment:

- () Motion to Value Liens Includes Valuation of Property Securing A Claim
 () Motion to Value Liens includes Valuation of Property Securing A Claim in an Amount Less than the Amount of the Claim
 () Motion to Avoid Liens §522(f)
 () Motion to Assume Executory Contracts(s) and Unexpired Leases
 () Motion to Reject Executory Contract(s) and Unexpired
 (X) No motions applicable to this plan amendment

The Chapter 13 Plan, including certain motions and other provisions, is hereby **amended** as follows:

- 1.a. \$790.00 per month for 10 months (8/10 through 5/11 inclusive, then \$1,670.00 per month for 50 months beginning 6/11)
 5.a.6. Change treatment to "Direct"
 5.b. None
 5.c. None
 7.e. Debtor will pay pre-petition arrearage on residential mortgage to Ocwen directly by way of capitalizing such arrears as part of principal and paying same via regular monthly mortgage loan payments as provided in HAMP loan modification.
 7.e. Citizens South is hereby classified by Debtors as General Unsecured Claim to be paid in full at 7.5% interest (contract rate) as a debt secured by property of a third party.

TAKE NOTICE: Your rights may be affected. You should read this amendment to the Chapter 13 Plan carefully, including any motions contained in the amended plan, and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm the proposed plan of the debtor(s) as amended, including any of the motions included in the amended plan, or if you want the court to consider your views on these matters, then you or your attorney must file with the Court a written objection to confirmation and request for hearing on confirmation at the following addresses:

Cases filed in the **Charlotte, Shelby or Wilkesboro** Divisions:

Clerk, U.S. Bankruptcy Court, P.O. Box 34189, Charlotte, N.C. 28234-4189.

Cases filed in the **Asheville or Bryson City** Divisions:

Clerk, U.S. Bankruptcy Court, Room #112, 100 Otis Street, Asheville, N.C. 28801

Your objection to confirmation and request for hearing must include the specific reasons for your objection, and must be filed with the Court no later than fifteen (15) days following the conclusion of the Section 341(a) meeting of creditors, or within fifteen (15) days of service of the amendment, whichever is later. If you mail your objection to confirmation to the Court for filing, you must mail it early enough so that the Court will receive it on or before the deadline stated above. You must also serve a copy of your objection to confirmation on the debtor(s), the attorney for the debtor(s), and the Chapter 13 Trustee at their addresses as they are listed in the notice of the meeting of creditors. If any objections to confirmation are filed with the Court, the objecting party will provide written notice of the date, time and location of the hearing. No hearing will be held unless an objection to confirmation is filed.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the proposed plan of the debtor(s) as amended, including any motions contained in the amended plan, and may enter an order confirming the amended plan and granting the motions. **Any creditor's failure to object to confirmation of the proposed plan as amended shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. Section 1325(a)(5)(A).**

I declare under penalty of perjury that the information provided in the **Amendment** to Chapter 13 Plan, including Notice of Motion(s) for Valuation; Motion(s) to Avoid Certain Liens; and Motion(s) for Assumption and Rejection of Executory Contracts and Unexpired Leases; as to all matters set forth herein are true and correct.

Dated _____

Debtor's Signature

Dated _____

Debtor's Signature

I hereby certify that I have reviewed this document with the debtor(s) and that the debtor(s) have received a copy of this document.

Dated _____

Attorney for the Debtor(s)

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In re:)	Case No. 10-32081
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Richard Anderson Shields,)	
Crystal Capps Shields)	Chapter 13
)	
Debtor)	
)	
)	CERTIFICATE OF SERVICE
_____)	

The undersigned certifies that on the 2nd day of September, 2010, he served a copy of the foregoing: **SECOND AMENDMENT TO CHAPTER 13 PLAN**: by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place address stated below, which is the last known address, and by depositing said envelope and its contents in the United States Mail and/or via ECF electronic filing:

U.S. Bankruptcy Court Western District of North Carolina Charlotte Division Post Office Box 34189 Charlotte, NC 28234-4189 Bankruptcy Administrator Western District of NC 402 W. Trade Street, Ste. 200 Charlotte, NC 28202 Mr. Warren L. Tadlock Standing Trustee PO Box 30097 Charlotte, NC 28230-0097	Citizens South PO Box 2249 Gastonia, NC 28053-2249 Ocwen Loan Servicing PO Box 6440 Carol Stream, IL 60197-6440 Rogers Townsend & Thomas PC 2701 Coltsgate Road, Suite 300 Charlotte, NC 28211-3594 Attorney for Ocwen
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☐ by hand delivering said copy to the person(s) hereinafter named:

By: _____
Geoffrey A. Planer, Attorney for Debtors
N.C. State Bar No.: 6338
P.O. Box 1596
216 S. Marietta Street
Gastonia, NC 28053-1596
(704) 864-0235